



03-31-03

1647.

Attorney Docket No. A116 US

Applicants : Stephen M. Strittmatter, et al.

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Title : NOGO RECEPTOR HOMOLOGS

APR 01 2003

Filed Date : October 6, 2001

TECH CENTER 1600/2900

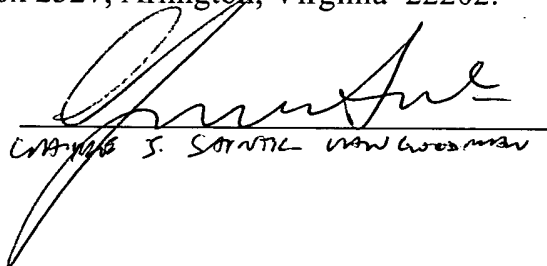
Application No. : 09/972,546 Confirmation No. 4440

Group Art Unit : 1647

Examiner : Christopher J. Nichols

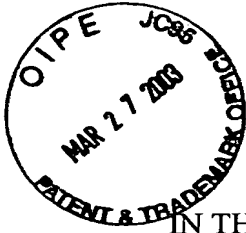
Express Mail mailing label number EV242443138US**Date of Deposit March 27, 2003**

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Hon. Commissioner for Patents, P.O. Box 2327, Arlington, Virginia 22202.


CHRISTOPHER J. NICHOLS, Examiner

Encls.

- (1) Transmittal Letter (in dupl.);
- (2) Reply to Restriction Requirement; and
- (3) Postcard.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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New York, New York
March 27, 2003

Hon. Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Reply to Restriction Requirement; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

EV242443138US

The additional fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest Number Previously Paid for		Present Extra	Rate	Fees
TOTAL CLAIMS	58	-	58*	=	0	x \$18	= \$0.00
INDEPENDENT CLAIMS	7	-	7**	=	0	x \$84	= \$0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$280	= \$0.00
* If less than 20, insert 20.						TOTAL	\$0.00

** If less than 3, insert 3.

☐ A check in the amount of \$ _____ in payment of the filing fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge \$ _____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

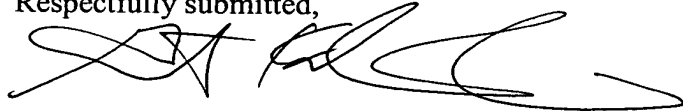
☐ The following extension is applicable to the Response filed herewith; ☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$410.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ 930.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1450.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1970.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

☐ A check in the amount of ☐ \$110.00; ☐ \$410.00; ☐ \$820.00; ☐ \$1450.00;
☐ \$1970.00 in payment of the extension fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

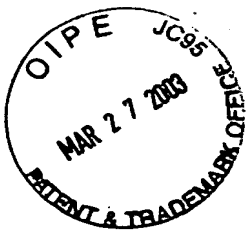
☐ Please charge the ☐ \$110.00; ☐ \$410.00; ☐ \$930.00; ☐ \$1450.00;
☐ \$1970.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



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REPLY TO RESTRICTION REQUIREMENT

Sir:

This is in reply to the February 27, 2003 Office Action in the above-identified application. The period for replying to the Office Action extends up to and includes March 27, 2003. Thus, this reply is timely filed.

THE RESTRICTION

The Examiner has required restriction of the claims of this application under 35 U.S.C. § 121 into one of the following eight groups:

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Group I: Claims 1-10 and 22, drawn to a method for producing a polypeptide comprising an isolated nucleic acid molecule and vectors and cells comprising the same;

Group II: Claims 11-21 and 24, drawn to an isolated polypeptide and pharmaceutical compositions comprising the same;

Group III: Claims 23 and 25, drawn to an antibody immunospecific for a polypeptide and pharmaceutical compositions and kits comprising the same;

Group IV: Claim 26, drawn to a method of decreasing inhibition of axonal growth of a CNS neuron, comprising the step of contacting the neuron with an effective amount of a polypeptide;

Group V: Claim 27, drawn to a method of treating a central nervous system disease, disorder or injury, comprising administering to a mammal an effective amount of a polypeptide;

Group VI: Claim 28, drawn to a method of decreasing inhibition of axonal growth of a CNS neuron comprising the step of contacting the neuron with an effective amount of an antibody;

Group VII: Claim 29, drawn to a method of treating a central nervous system disease, disorder or injury, comprising administering to a mammal an effective amount of an antibody; and

Group VIII: Claim 30, drawn to a method of identifying a molecule that binds a polypeptide.

The Examiner asserts that the inventions encompassed by Groups I-VIII are directed to different methods and different products, which constitute patentably distinct inventions.

In response to this requirement, applicants elect the subject matter of Group I (claims 1-10 and 22), without traverse, for further prosecution in this application. These claims are directed to methods for producing a polypeptide, as described in the Office Action, as well as to isolated nucleic acid molecules and vectors and host cells comprising the isolated nucleic acid molecules.

The Examiner further asserts that each of inventions I-VIII encompasses, in part, additional inventions comprising particular, patentably distinct, products and that a separate election is required from inventions A-H below:

Group A: SEQ ID NO: 2;
Group B: SEQ ID NO: 4;
Group C: SEQ ID NO: 5;
Group D: SEQ ID NO: 11;
Group E: SEQ ID NO: 14;
Group F: SEQ ID NO: 17;
Group G: SEQ ID NO: 18; and
Group H: SEQ ID NO: 19.

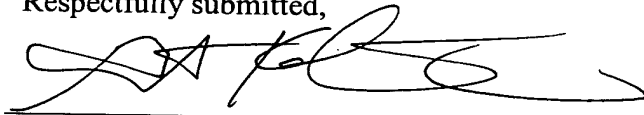
In response to this requirement, applicants further elect the subject matter of Group A (i.e. claims 1-20 and 22 of Group I as they pertain to SEQ ID NO: 2), without traverse, for further prosecution in this application.

Applicants make the elections of both Group I and Group A claims expressly without waiver of their right to file for and obtain claims directed to the non-elected subject matter in divisional or continuing applications claiming priority and benefit herefrom, or from a related application, under U.S.C. § 120.

CONCLUSION

In view of the above, applicants request that the Examiner examine the pending claims in this application.

Respectfully submitted,



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